

REMARKS/ARGUMENTS

This responds to the office action mailed on January 29, 2004. Claims 1-38 are pending in the present application. Claims 1, 4, 6-9, 12, 14-17, 20, 22, and 23 are rejected. Claims 2, 3, 5, 10, 11, 13, 18, 19, 21 and 24-38 are objected to. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

Claims 1, 5, 9, 13, 24, 29, and 34 are amended. Claims 39-41 are new. Claim 39 is a combination of claims 1 and 2, claim 40 is a combination of claims 9 and 10, claim 41 is a combination of claims 17 and 18, all which the Examiner indicated would be allowable if rewritten in independent form including all the limitations of base and intervening claims, as well as written to correct informalities.

The 35 U.S.C. §102(e) Rejections

The Examiner rejected claims 1, 4, 6-9, 12, 14-17, 20, 22, and 23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,000,040 to Culley et al. (Culley). The test for anticipation is symmetrical to the test for infringement and has been stated as: "That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Also, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP 2131.

Culley discloses that system management remote ASICs (SMRs) receive error and interrupt information that can result from correctable or uncorrectable data or address errors on the host bus. Col. 3 line 61 – col. 4 line 1. Eventually, the contents of the SMR's status and interrupt registers or the contents of the error registers are then stored in the NVRAM. Next, the diagnostic program checks the type of fault detected. There are three general types of faults: system-type critical faults requiring that the entire computer server S be shut down; sub-system critical faults in which a sub-system in the server S has to be shut down; and non-critical faults. Col. 5 line 60 – col. 6 line 3.

Claim 1 recites, in part, “a method for managing an uncorrectable data error (UE) from an I/O subsystem as the UE passes through a plurality of devices in a central electronic complex (CEC), the method comprises . . . (b) providing an SUE-RE (Special Uncorrectable Data Error-Recoverable Error) attention signal by the at least one device to a diagnostic system to indicate the I/O UE condition.” Culley fails to disclose how an uncorrectable data error is treated. In Culley, error and interrupt information passed to the SMRs 10A-C can result from over-voltage and high temperature conditions, correctable or uncorrectable data or address errors on the host bus, etc. Col. 3 line 65 – col. 4 line 1. In two of the three general types of faults disclosed by Culley, there is a shut down and eventual restart of a system in which the fault was found. “If a system-type critical fault is detected, then the entire computer server S is reset and shut down 312. If a sub-system critical fault is detected, then the faulty sub-system is reset 314. From steps 312, 314, or 316, the diagnostic program 224 sends 316 an alert along with information associated with the faulty condition to an administrator or service provider (located locally or remotely). Col. 6 lines 4-12. Culley fails to disclose how an uncorrectable data error is labeled, and therefore how it would be handled. If uncorrectable data errors are system and sub-system critical in Culley, then

a restart of those systems suggests that the errors fail to prompt a Special Uncorrectable Data Error-Recoverable Error attention signal, as recited in claim 1. Simply stated, Culley's failure to disclose how the uncorrectable data error is labeled (and therefore whether it results in either a restart or continuing operation), is a failure to anticipate claim 1.

Claim 1 is an independent claim and is allowable. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Therefore claims 4 and 6-8, which depend from claim 1, are not anticipated by Culley and are allowable.

Claim 9 recites, in part, a computer readable medium containing program instructions for managing an uncorrectable data error (UE) from an I/O subsystem as the UE passes through a plurality of devices in a central electronic complex (CEC), the program instructions for . . . (b) providing an SUE-RE (Special Uncorrectable Data Error – Recoverable Error) attention signal by the at least one device to a diagnostic system to indicate the I/O UE conditioning. Although claim 9 differs from claim 1, the same argument applied to claim 1 applies to claim 9. Culley fails to anticipate claim 9.

Claim 9 is an independent claim and is allowable. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Therefore claims 12 and 14-16, which depend from claim 9, are not anticipated by Culley and are allowable.

Claim 17 recites, in part, a service processor for managing an uncorrectable data error (UE) from an I/O subsystem as the UE passes through a plurality of devices in a central electronic complex (CEC), the service processor comprises . . . an attention handler for detecting an I/O UE condition by at least one device in the CEC and providing an SUE-RE (Special

Uncorrectable Data Error-Recoverable Error) attention signal by the at least one device to indicate the I/O UE condition. Although claim 17 differs from claim 1, the same argument applied to claim 1 applies to claim 17. Culley fails to anticipate claim 17.

Claim 17 is an independent claim and is allowable. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Therefore claims 20, 22, and 23, which depend from claim 17, are not anticipated by Culley and are allowable.

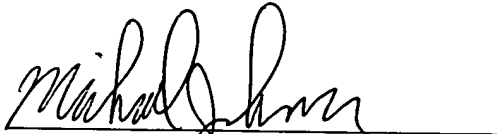
The Claim Objections

The Examiner objected to claims 1-38 for failing to provide a definition for the “UE” acronym upon initial use in the claims. The claims have been amended to include a definition of “UE.”

The Examiner objected to claims 2, 3, 5, 10, 11, 13, 18, 19, 21, and 24-38 for failing to provide a definition for the “CS” acronym upon initial use in the claims. The term “SUE-CS” is defined in the specification on page 5 as “an attention to SP which signifies that a particular SUE condition has been detected from which system recovery is not feasible.” Applicant believes this definition provides clarity to the claim language.

Claims 1-41 are in condition for allowance and Applicant believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP

A handwritten signature in black ink, appearing to read "Michael Johnson", written over a horizontal line.

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Date